

REMARKS

The Office Action dated March 17, 2006 has been received and its contents carefully noted. In response thereto, applicants have amended claims 1 and 7 and cancelled claims 8, 10-12 and 15 in an effort to place the application in condition for allowance. Reconsideration of the rejections of the claims is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Objections

Claims 8 and 12 have been objected to for the reasons indicated on page 2 of the Office Action. Claims 8 and 12 have been cancelled but the limitations of claim 12 have been added to claim 1. These limitations of claim 12 have been corrected to use consistent terminology and to use the --plan view-- terminology suggested by the Examiner. Regarding the --plan view-- terminology, the questioned feature is discussed on page 5, lines 12-13 of the specification and shown in Fig. 4 of the drawings. It is believed that the objections to the claims are obviated by the aforesaid amendments. However, if the Examiner believes further changes are necessary, applicants would be pleased to consider specific further suggestions by the Examiner.

Claim Rejections - 35 USC § 112

Claims 10 and 11 have been rejected under Section 112, first paragraph for the reasons indicated on pages 3-4 of the Office Action. Claims 10 and 11 have been cancelled but the limitations of these claims have been added to claim 1. Referring to Fig. 7 of the drawings, the

questioned "generally convex shapes" terminology from claims 10 and 11 can be seen as lines A-G in particular, lines C and D, which illustrate the outer surface of the toothbrush. These lines illustrate that the surfaces are "generally convex", i.e., curved or rounded outward. In view of this, it is respectfully submitted that these rejections of the claims are not proper and should be withdrawn. However, if the Examiner believes clarification to the claims, specification and/or drawings are necessary concerning this point, applicants would be pleased to consider specific further suggestions by the Examiner.

Claim Rejections - 35 U.S.C. §§ 102 and 103

Turning now to the rejections under 35 U.S.C. §§ 102 and 103, claims 1, 2, 5, 6, 12 and 13 have been rejected as being anticipated by Beals et al. (U.S. Patent No. 6,234,798). The Examiner modifies Beals '798 on the grounds of alleged obviousness to reject claims 3 and 4 and adds the teachings of Lang et al. (U.S. Patent No. 6,422,867) to Beals '798 to reject claim 15. Claims 1, 2, 5-7, 9, 12 and 14 have been rejected on the grounds of anticipation by Stvartak et al. (U.S. Patent No. 6,601,272). Claims 3 and 4 stand rejected when the Stvartak '272 is modified on the grounds of alleged obviousness. Claim 8 has been rejected as being anticipated by Lang '867. Applicants respectfully disagree with these rejections for the following cogent reasons.

The Beals '798 patent discloses a toothbrush 10 with grips 15, 16, 17, 18 thereon. The grip 16 is disposed on the front of the toothbrush 10 and has a concave shape. The other grip 15, 17, 18 is molded around the distal end of the handle 12.

Stvartak '272 also discloses a toothbrush 10 with a handle 12 having a proximal grip section 14, a central control section 16 and a distal brush section 18. A rigid base member is selectively overmolded with elastomer to form the handle 12. Stvartak '272 uses holes 114 and 116 formed in the handle 12 to help connect the elastomer to the rigid base member. See column 5, lines 15-67.

Lang '867 provides an interproximal flosser handle with three gripping surfaces 50, 55 and an on/off switch 116 .

On the other hand, the present electric toothbrush invention as claimed in independent claim 1 calls for "a first gripping member disposed along an exterior region of said housing, said first gripping member formed from a second material softer than said first material, said first gripping member having a generally convex shape contoured to match said housing and a first substantially concave recessed region on an exposed exterior surface thereof, and a second gripping member having a generally convex shape contoured to match said housing and formed from said second material, said second gripping member defining a second substantially concave recessed region on an exposed exterior surface thereof." Additionally, the electric toothbrush invention as claimed in independent claim 1 calls for "a positionable actuator disposed in said housing for controlling operation of said toothbrush" and "said first and second gripping members and said first and second substantially concave recessed regions thereof having generally oval shapes when viewed in a plan view." While Beals '798 shows a manual toothbrush with grips 15, 16, 17, 18 in the handle 12, it does not show an electric toothbrush with "a positionable actuator disposed in said housing for controlling operation of said

toothbrush" and the grips 15, 16, 17, 18 are not "a generally convex shape contoured to match said housing" with "substantially concave recessed" regions "on an exposed exterior surface thereof" as required by claim 1. Additionally, the grips of Beals '798 do not meet the limitations of "said first and second gripping members and said first and second substantially concave recessed regions thereof having generally oval shapes when viewed in a plan view" as found in claim 1. The grip 15, 17, 18 of Beals '798 certainly does not exhibit this feature. Likewise, the toothbrush in Stvartak '272 and the interproximal flosser handle of Lang '867 are not electric toothbrushes with "a positionable actuator disposed in said housing for controlling operation of said toothbrush" and do not have any such "said first and second gripping members and said first and second substantially concave recessed regions thereof having generally oval shapes when viewed in a plan view" as required by claim 1. Accordingly, it appears as though the Section 102 rejections based on Beals '798, Stvartak '272 and Lang '867 are incorrect and should be withdrawn. In addition, the Section 103 rejections are merely improper hindsight reconstruction of applicants' own invention using applicants' own disclosure so these should be withdrawn as well. The inadequate teachings of Lang '867 do not make up for the basic deficiencies of Beals '798.

Accordingly, it is submitted that the present invention as claimed is readily distinguishable from the prior art references for the reasons indicated. Applicants' invention is not disclosed by any of the prior art and there is no fair basis for alleging that applicants' invention is obvious in regard to such prior art. If the invention was obvious, it would have been adopted before in view of its advantages.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all the presently pending claims are allowable and early favorable action is earnestly solicited. The Examiner is invited to call applicants' attorney if any questions remain following review of this response.

Respectfully submitted,

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